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September 11, 2020

VIA ECF

Honorable Richard J. Sullivan
United States Circuit Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 15A
New York, NY 10007

Re: *United States v. Burgess et al. – Ramal Curtis*
Docket No. 18-Cr-373 (RJS)

Dear Judge Sullivan:

Together with Richard B. Lind, I represent Ramal Curtis in the above matter. I write to request an approximate 60-day adjournment of the upcoming *Fatico* hearing, to be held jointly with co-defendant Tyshawn Burgess on October 15, 2020. I have conferred with Ms. Lorraine Gauli-Rufo, counsel to Tyshawn Burgess, who joins in this application. The government, through AUSA Elinor Tarlow, consents to this request.

The ongoing COVID-19 pandemic has, to date, presented extraordinary difficulty in preparing for the upcoming *Fatico* hearing. Mr. Lind and I have been unable to meet with Mr. Curtis, who is presently incarcerated at the MDC Brooklyn. While limited in-person visitation at the MDC has reportedly begun as of today, there are a number of ongoing challenges relating to in-person visits, including the health concerns of counsel¹. Due to the ongoing pandemic, it has been extraordinarily difficult for counsel to adequately prepare for the upcoming hearing without the ability to meet with Mr. Curtis.

Given that Mr. Curtis faces a mandatory minimum sentence of ten years' imprisonment and the significant role that the *Fatico* hearing may play in the Court's ultimate determination an appropriate sentence, we respectfully request an approximate 60-day adjournment of the upcoming *Fatico* hearing so that we may continue to monitor the attorney visitation situation at the MDC Brooklyn and possibly begin visiting with Mr. Curtis, pandemic permitting.

¹ In-Person Visits at Brooklyn Federal Lockup Set to Resume on First-Come, First-Serve Basis, Government Attorneys Say, The New York Law Journal, (quoting Deidre von Dornum, Federal Defender in charge of the EDNY, as stating: "[m]any attorneys were very worried about being in those small rooms without knowing about the HVAC,") (September 4, 2020) at <https://www.law.com/newyorklawjournal/2020/09/04/in-person-visits-at-brooklyn-federal-lockup-set-to-resume-on-first-come-first-serve-basis-government-attorneys-say/>



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Should the Court require any further information, please do not hesitate to contact my office at any time.

Our continuing best wishes to the Court and your staff.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'JH', with a long horizontal flourish extending to the right.

Joshua J. Horowitz
Richard B. Lind

JJH/

cc: All counsel (via ECF)

IT IS HEREBY ORDERED THAT the *Fatico* hearing scheduled for October 15, 2020 (ECF No. 691) is adjourned to December 17, 2020 at 10:00 a.m. The hearing shall be held in Courtroom 11B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007. IT IS FURTHER ORDERED THAT the government shall provide defendants and the Court with a witness list, exhibit list, and all materials pursuant to 18 U.S.C. § 3500 by December 10, 2020.

SO ORDERED
Dated:

A handwritten signature in blue ink, appearing to read 'RJS', with a long horizontal flourish extending to the right.
RICHARD J. SULLIVAN
U.S.D.J.

9/11/20